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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,614	12/11/2003	Donald E. Rakow JR.	2003-IP-012438 U1 USA	8524
7590	11/30/2005		EXAMINER	
Joshua A. Griswold Fish & Richardson, P.C. Suite 5000 1717 Main Street Dallas, TX 75201			HONG, JOHN C	
			ART UNIT	PAPER NUMBER
			3726	
			DATE MAILED: 11/30/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b><i>Office Action Summary</i></b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/733,614	RAKOW ET AL.	
Examiner	<b>Art Unit</b>		
John C. Hong	3726		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 October 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-102 is/are pending in the application.  
4a) Of the above claim(s) 1-42, 66-76 and 87-94 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 43-65, 77-86 and 95-102 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/16/05.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 43-65,77-86 and 95-102 in the reply filed on 10/6/05 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 43-65,77-86 and 95-102 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (U.S. Patent 4914514).

Smith et al. discloses : Regarding Claim(s) 43-65, a method of constructing a screen comprising: wrapping a wire substantially helically about a screen body as the screen body rotates and at least one of the wire and screen body is translated substantially parallel to a screen body longitudinal axis; measuring a dimension between adjacent wraps of the wire on the screen body continuously during one or more intervals while wrapping the wire about the screen body; and adjusting the wrapping of the wire about the screen body to affect the dimension between adjacent wraps of wire on the screen body in relation to the measured dimension between adjacent wraps of the wire on the screen body (Figs. 1-4, col. 3, line 46-col.5, line 11);  
Regarding Claim(s) 77-86, a method of constructing a screen, comprising: wrapping a wire

substantially helically about a screen body measuring at least one of a dimension between adjacent wraps of wire about the screen body and a dimension of the wrap wire; and marking the screen while wrapping the wire about the screen body in relation to the measured dimension (Figs. 1-4, col. 3, line 46-col.5, line 11); and Regarding Claim(s) 95-102, a method of constructing a screen, comprising: wrapping a wire substantially helically about a screen body; and measuring at least one of a dimension between adjacent wraps of wire about the screen body and a dimension of the wrap wire while the wire is being wrapped substantially helically about the screen body (Figs. 1-4, col. 3, line 46-col.5, line 11).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong  
Primary Examiner  
Art Unit 3726

jh  
November 28, 2005